

1888-029 Chancery Causes, A. J. Litton vs. Ennis + Young &
Lee Co.

Hubbard, Allen

CA-Contract Dispute
T-Property

To the Hon. H. S. K. Morison
Judge of the Circuit Court of
Lee County Virginia

Your orator A. J. Litton
humbly complaining would
respectfully represent that
heretofore, one Henry Barker
purchased from David G.
Young a tract or parcel of
land situated on Dry Creek
in Lee County Virginia about
1 1/2 miles north from Stillpoint
adjoining the lands of your
orator Smith Stout and others
containing about 246 acres.
Barker went into the possession
of the same, and fully
paid for it. He afterwards
sold the lands to one Isaac A.
Hubbard, who fully paid
him therefor, and he assigned
said title bond to him, and
Hubbard went into the pos-
session thereof and remained
upon it for several years.
He then sold the same to your
orator and put him in the
possession thereof; and your orator
fully paid him therefor and an

assignment of the said Bond. And while the same was in his possession his house was robbed and this and many other valuable papers destroyed so that the same cannot now be produced. Proof of all which will be fully made. Some several years ago, the said David G. Young departed this life, never having conveyed these lands to any of the parties before mentioned, and the legal title passed in due course of descent to his children hereinafter named. The said David, at the time of his death left a widow Marianne Young still living, and the following children his heirs at law, all of whom are infants viz: Emmet, Thomas, Martha, Edward and Rebecca, Young. These said vendees have kept the taxes fully paid upon said lands, and your orator is advised he is now entitled to

a conveyance of its legal title thereto.

He is also advised that the said Widow is not entitled to dower therein, because the said Young did seized of ample lands to fully compensate her, situated in the County of Scott whereon she now resides, and he is informed she does not claim the same.

The ~~estate~~ of said Young has been committed to who has ample means in his hands to pay the indebtedness of said estate including the Costs of this proceeding should your Orator be entitled thereto.

The object of this Bill therefore is to have the legal title to said lands vested in your Orator by a conveyance of the same by a Commissioner acting on behalf of said infant.

The premises considered therefore he prays that Mariano Young Edmund Young, Thomas Young Martha Young, Edward Young and Rebecca Young and

le 57 73 24 5 24
 5 50
 4. 2 5. 00 2. 20 "
 10. 00 "
 2. 22 "
 28. 23
 5. 00
 33. 23

LA 1513

A. J. Lutton

28. 23
 5. 00
 33. 23

Bill of
 Ernest Gumpel

1888, Febry Bill filed Spa
 executed on advertisement
 + D. Christos to them
 " Mr. Mrs. H. A. L. filed
 D. Christos Confid House
 set for hearing
 1888 Apr Decr vacated
 " " " final

Administrator
 of the estate of David G. Gering
 deceased be made parties de-
 fendant to this bill; that a
 guardian ad litem be appointed for
 said infants; and on a hearing
 a decree be rendered directing
 a conveyance of said legal
 title to your orator; and for all
 other further and general relief
 may supra issue &c.

A. L. Primmer p. g.

To the Honorable H. S. K. Morrison
Judge of the Circuit Court of Lee
County Va. -

The separate answers of Emmet,
Thomas, Martha, Edward and
Rebecca Young, infant Children
of David G. Young decd, by the
undersigned as Guardian ad litem
for said Children, to a Bill in
Chancery filed in Your Honor's
Court by A. J. Littow against
these wards et al.

For answer Your Respondent
says, he knows nothing of the
allegations stated in the Bill,
whether they be truth or false he is
not advised, nor does he know
of any defense proper to be made,
and being aware of the fact
that Courts of Equity are the
peculiar guardians of the rights
of infants, Your Respondent begs
leave to place the rights and
interest of these infants in Your
Honor's hands, knowing that
they will be there protected.

J. A. Hyatt
Guardian ad litem

A. J. Litton
vs 3 G. A. L
Answer
Emmet Young et al

Filed March Rules 1888.
J. A. G. Hyatt & Co.

Fee \$5.00 to Hyatt

A. J. Little Plaintiff

vs

Ernest Young et al Defendant

} In Chan.

This cause came on
This day to be again heard up-
on the papers formerly read in
the cause, and the report of coun-
E. H. Pennington and deed therein
filed and was argued by coun-
sel: On consideration of all
which and for reasons appear-
ing to the court, it ordered, adjudg-
ed and decreed that said report be
confirmed, that said deed be
delivered to the said Little, and
that the said Little is decreed
to pay the said Pennington the sum
of five dollars for his services
as coun. in this cause. And
That the Admr. of the estate of
David Young pay the costs in
this cause if there be any funds
in his hands with which to
pay the same. And the cause
is ordered to be stricken from the
docket.

A. J. Little

vs } *Deerufinae*

Emmet Young, et al.

Entered by Chas

" CB, pages 130-4

Hyatt CB

Enter this

price 5/88

H. S. K. M.

A. J. Litter --- Off. } In Chy.
Against
Emmet Young et al, depts- J

This cause came on this day to be heard upon the bill of complaint Thomas, Emmet, Martha, Edward and Rebecca Young the answer of the infant-defendants, J. A. L. Syatt by their guardian ad litem and the depositions of witnesses: On consideration of all of which, and it appearing to the court that process had been duly served for more than a month upon the adult-defendants in this cause, and they failing to appear as to the said bill is taken for confessed, and it further appearing from proof of witnesses that the whole of the purchase money of the land in said bill mentioned has all been paid, it is therefore ordered, adjudged, and decreed that E. H. Huntington who is hereby appointed a special commissioner for the purpose do make to said plaintiff a deed for the land in the bill and proceedings mentioned with covenants of special warranty and report his action to a future day to this term of the court.

A. J. Litten

v2 } Brew no. 1

Enunt-Young state
Entered Chy
"O.D. page 122.
Hyatt C.C.

Enter This
4 Aug of. "Spec, 1888,
H.S.K.M.

1

The Deposition of Joel A. Hubbard
and others taken before me H. C. Joslyn
a Justice of the Peace ^{for Lee County Va} pursuant to Notice
^{at A. J. Litton's Store House} on the 16th day of March 1888,
herewith filed, which are intended
to be read as evidence in behalf
of A. J. Litton Plaintiff in a certain
Suite now pending in the Circuit Court
of Lee County, in which A. J. Litton
is Plaintiff and ~~Samuel~~ Young
and others are Defendants.

Joel A. Hubbard a witness of lawful
age being first duly sworn deposes
as follows.

In the year 1868 or possibly a year
before that time, Henry J. Barker
purchased from David Y. Young the
piece of land mentioned in the
bill, containing 246 acres, and in
the year 1869, I purchased the same
land from said H. J. Barker, and
he transferred the title bond he had
received from David Y. Young to me,
at the time I purchased the land from
Barker there was due to Mr Young
from Barker the balance on one note
of about Sixty dollars and another
note the amount of which to the best
of my recollection was \$147.⁵⁰ both
of which notes were paid by me or
I caused them to be paid by me A.
J. Litton, who paid ^{part of} the said note of
\$147.⁵⁰ which was the last money due to D. Y. Young

on the said land, about the year 1878. I ~~had~~ swapped the said land to A. J. Litton and in the trade he assumed the payment of the balance of the before mentioned note of \$147.⁵⁰ to our young, and I transferred the title bond ~~from~~ "S. Y. Young" to A. J. Litton, and he Litton very shortly afterwards took possession of the land and has had it in possession ever since.

And further this witness doth not.

Doel, A. Hubbard

Robert S. Young another witness of lawful age being duly sworn deposes and says, About the 15th day of January 1878. our A. J. Litton paid ^{part of} the balance due on the \$147.⁵⁰ note, and on March 1st 1878. he paid the remainder due on the said note. This money was paid by A. J. Litton to my father Claiborn Young who was the assignee of Henry J. Barker for the benefit of David Y. Young, and this \$147.⁵⁰ note was the last payment on the 246 acre tract of land sold by my brother David Y. Young to Henry J. Barker and by him to Hubbard and by him to A. J. Litton, as far as I ever have found out. I am a son of Claiborn Young and a brother of David Y. Young, and I have handled my fathers papers a great deal and have talked with my brother

David G. Young about this matter and
I always heard him claim that the note
for \$147.⁵⁰ was the last money due
on the 246. acre tract of land.

And further this witness saith not,

R. D. Young

P. H. Allen another witness of lawful
age being duly sworn deposes as
follows,

In the year 1877, to the best of my
recollection, a title bond from David
G. Young to Henry J. Barker came into
my possession as the Admr of James T.
Loyd, having been placed in his hands
by Joel A. Hubbard, as security for
some debt due from said Hubbard
to J. T. Loyd, and on the 7th day of
February 1878, I by direction of J. A.
Hubbard turned the said title bond
over to A. G. Linton, said Linton having
paid the amount due to J. T. Loyd by
J. A. Hubbard and for which debt the
said title bond was in pledge to J. T.
Loyd. My understanding from papers &c
of J. T. Loyd, ~~that~~ ^{is} that the money due from
Hubbard to Loyd was a part of the purchase
money paid by Mr Loyd for J. A. Hubbard
on the 246. acres tract of land as shown
by the title bond.

And further this deponent saith not,

P. H. Allen

A. J. Litton another witness of lawful age being duly sworn deposes and says, About the year 1878. I paid to P. H. Allen Solm of J. T. Loyd the sum of \$65.⁶² a balance due to said Loyd from J. A. Hubbard money that said Loyd had paid for Hubbard on the 246 acre tract of land, and when I paid Allen this money he turned over to me by direction of J. A. Hubbard a title bond from D. Y. Young to Henry J. Boker. Said bond had been transferred from said Boker to J. A. Hubbard and was from Hubbard transferred to me. I kept this bond with other papers deeds &c in my store, and on the night of the 10th day of May 1885. My store was broken into and robbed and this title bond with other papers was stolen, and I have never been able to recover said bond since that time. And further this deponent soith oat.
A. J. Litton

Virginia Lee County Twitt.
J. H. C. Joslyn a justice of the Peace for the said County, do hereby Certify that the foregoing depositions of Joel A. Hubbard, Robert D. Young, P. H. Allen and A. J. Litton were duly taken sworn to and subscribed before me at the time and place mentioned in in the Caption of the Same. Given under my hand, this 16th day of March 1888.
Henry C. Joslyn J.P.

A. J. Litton
vs. In Chancery
Ernest Young et al

Depositions of
J. A. Hubbard
R. S. Young
P. H. Allen &
A. J. Litton

Filed March 17th 1888.

John R. Gibson Clk

\$2.00

J. P. Fee P^d by Litton

A. J. Litton

vs

Wm } In Chgo.

Mariano Young et al Defts

I, as Guardian ad litem for
Emmit Young, Thomas Young, Martha
Young, Edward Young, and Rebecca
Young, infant defendants in
the above styled Cause. hereby
give my consent and agree
that, at the taking of depositions
in the above styled Cause at
Stickleyville, Va. - on the 16th March
1888, the following interrogatories
may be answered by the
witnesses to wit: -

1 Has the land in the Bill mentioned
been fully paid for?

2 By whom was it paid?

3 Who is now entitled to have
a deed or title to said land?

Given under my hand this
7th March 1888.

J. A. S. Hyatt & Co.

A. J. Litton
vs agreement
of G. C. L.
Meriam Young

A. J. Little Plff

vs

Emmett Young et al

} In Chan-

To the Honorable W. S. Mc-
Morton Judge of the circuit court
of the County Va.

Pursuant to a decree in-
tured in the chancery cause of
A. J. Little vs. Emmett Young
et al on the 4th day of April, 1888,
directing your undersigned comr.
to make and execute a deed to
the land in the bill & proceedings
mentioned to the said Little,
begs leave to report that he
has made and executed said
deed which is here filed.

All of which is respectfully
submitted.

E. W. Remington
comr.

A. J. Little

vs. } course
Report.

Emmett Young et al

Filed April Term 1888.

J. A. Stuyatt cc

Mrs. Marian Young

TAKE NOTICE, That _____ on the 16th day of

March, 1888, at the Store Room of A. J. Little
in Lee County Va.

will proceed to take the deposition of Jacob A. Hubbard and others

which, when taken, are intended to be read as evidence on my behalf in a certain suit in Chancery
now pending in the District Court of Lee County, State of Va., in which
I am plaintiff and
you and others are defendant.

And if from any cause the same be not commenced, or if commenced, be not concluded on that day, the
taking thereof will be adjourned from time to time, and from place to place, until completed.

_____, 1888,

Very Respectfully,

A. J. Little

I accept Legal Service of the within notice
to take depositions on the 16th day of month
at a J. Litten's stone house in Lee County, Va.
month the 1, 1888 Meriam Young

The Commonwealth of Virginia.

To The Sheriff Of Lee County Greeting:

We Command You to Summon

*Mariam Young,
Emmit Young, Thomas Young,
Martha Young, Edward Young,
Rebecca Young, and
Administrator of the Estate of
David Young dec'd*

To appear at the Clerk's Office of the Circuit Court of Lee County, at the Courthouse on the first Monday
in *February* next, being rule day to answer a bill in Chancery exhibited in our said Court
against *them* by *A. J. Litton*

And have then and there this writ. Witness, J. A. G. Hyatt, Clerk of said Court at the Courthouse.

This *28th* day of *January* 18 *88*, in the 11th year of the Commonwealth.

J. A. G. Hyatt Clerk.

A Copy Teste

(P)
A. J. Litton
vs Spain
Chcy
Enmit Young et al
Lo Feby Rules 1888

Executed by
delivering a copy of
the with summs to
mariam young
Feby 2nd 1888
J. R. Beverly Is for
J. J. Alley, ssc